

United States District Court

SOUTHERN

DISTRICT

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA
V.

DEC 24 2015

CRIMINAL COMPLAINT

Pedro Buenrostro

YOB: 1981

Principal

United States

Clerk of Court

Case Number:

M-15-2193-M

Martha Irene Rodriguez

YOB: 1979

Co-Principal

United States

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 22, 2015 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Orbelina Jimenez-Rodriguez, citizen of El Salvador, and Cesar Flavio Canastuj-Tiu, citizen of Guatemala, along with four (4) other undocumented aliens, for a total of six (6) who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport, said aliens in furtherance of such violation of law within the United States, that is, from a location near Roma, Texas to the point of arrest near Rio Grande City, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On December 22, 2015, at approximately 4:30 pm, DPS Trooper Swango conducted a vehicle stop on a red Dodge Nitro for disregard of a traffic control device of slower traffic to keep to the right. The stop was conducted on Expressway 83 and Loma Blanca Rd. in Rio Grande City, Texas. At the vehicle stop, the driver and the front seat passenger, both USCs, identified themselves as Pedro BUENROSTRO and Martha RODRIGUEZ respectively. There were six passengers in the rear seat and the rear cargo area who were unable to provide any US identification and claimed to be illegally in the United States. Trooper Swango requested Border Patrol's assistance.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved Joseph Leonard
Sworn to before me and subscribed in my presence,

December 24, 2015
Date

Dorina Ramos, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Complainant

Jon Chan

Senior Patrol Agent

Printed Name of Complainant

at McAllen, Texas
City and State

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15-2193-M

**RE: Pedro Buenrostro
 Martha Irene Rodriguez**

CONTINUATION:

Border Patrol arrived and interviewed everyone. The driver and passenger still claimed to be United States citizens, and the six rear seat/rear cargo passengers all claimed to be illegally in the United States. All 8 people were transported to the Rio Grande Border Patrol Station for processing.

PRINCIPALS' STATEMENTS:

Both BUENROSTRO and RODRIGUEZ were read their rights. Both stated they were willing to provide a statement without the presence of an attorney.

1- BURENROSTRO told agents he and his girlfriend (RODRIGUEZ) were traveling to Laredo to visit family. She received a phone call on the way back, and they decided to stop at Whataburger. At the Whataburger in Rio Grande City, six subjects asked him for a ride to McAllen. The six then boarded the vehicle he was driving. According to BUENROSTRO, he never spoke to the six people again.

2- RODRIGUEZ told agents she and her boyfriend (BUENROSTRO) were planning on travelling to Laredo, but got into an argument, and didn't go after all. RODRIGUEZ stated she knows a man in San Benito who hires people to smuggle illegal aliens. RODRIGUEZ called the man and he gave them instructions wait for a call to pick up some illegal aliens. Since she needed the money, both RODRIGUEZ and BUENROSTRO agreed to transport the illegal aliens. Later, someone called her phone and told her to go to Garfield St. in Roma, Texas to pick up the people. RODRIGUEZ told agents the man in San Benito was supposed to pay both her and her boyfriend, but a price had not been discussed yet.

MATERIAL WITNESSES' STATEMENTS:

Both material witnesses were read their rights. Both stated they were willing to provide statements without the presence of an attorney.

1- Orbelina Jimenez-Rodriguez, a citizen of El Salvador, claimed he was charged \$6,000 (USD) to be smuggled into the United States. After illegally crossing the Rio Grande River, the foot guide who was smuggling the group she was with, instructed them to board an SUV. The foot guide opened the door for them and then ran back to Mexico. Jimenez told agents she sat directly behind the driver. She identified both the driver and the passenger in separate photo lineups as BUENROSTRO and RODRIGUEZ respectively.

2- Cesar Flavio Canastuj-Tiu, a citizen of Guatemala, claimed he was charged \$5,000 (USD) to be smuggled into the United States. After illegally crossing the Rio Grande River, a foot guide led the group to a paved road, where he instructed them to board a red SUV. According to Canastuj, he climbed over the rear seat and into the cargo area. Canastuj did not recall who was driving, but did identify BUENROSTRO and RODRIGUEZ in a photo lineup as the two people sitting in the driver's seat and front seat passenger.